IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Crl.Rev.Pet.No. 3069 of 2005(C)

CRA.461/2003 of SESSIONS COURT, PATHANAMTHITTA
CC.173/2002 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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REVN. PETITIONER:

P.N.PURUSHOTHAMAN NAIR,
PUTHUPARAMPIL HOUSE, KADAMAKULAM PO,
KALLOOPARA VILLAGE, PATHANAMTHITTA.

BY ADV. SRI.BIJI MATHEW
SRI.S.BALAKRISHNAN CHETTIAR

RESPONDENTS:

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1. D.GOPALAKRISHNAN NAIR,
SREERAMA SADANAM, THELLIYOOR P.O.,
PATHANAMTHITTA DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.S.SREEKUMAR
SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.A. NO. 20934/2005 IN CRL.R.P. NO. 3069/2005

DISMISSED

03.10.2007 SD/- V. RAMKUMAR, JUDGE.

/True Copy/

P.A to Judge.

V. RAMKUMAR, J.

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Crl.R.P. No.3069 OF 2005

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Dated this the 3rd day of October, 2007

ORDER

The accused in C.C. No. 173/2002 on the file of the Judicial First Class Magistrate, Pathanamthitta for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 10256 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. The sum of Rs.40,000/- deposited before the trial court shall be permitted to be withdrawn by the 1st respondent/complainant.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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V. RAMKUMAR, J.

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Crl.R.P. No.....

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Dated: 24th August 2007

ORDER

The accused in C.C. / ST. No.....on th**e file** of the J.F.C.M..... for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. .....of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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